

Notice of Allowability

Application No.

09/835,709

Examiner

Ted M. Wang

Applicant(s)

MCCARTY ET AL.

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/17/2001.
2. ☒ The allowed claim(s) is/are 1,3-7,9-13,15-22,24-31,33-40,42-56,58-62 and 64-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/29/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/17/01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner Amendments

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Daniel Brown on August 29, 2005.
3. The application has been amended as follows:
4. In the claims:
 - In claim 1, line 9, after "threshold" insert ---
, wherein said determining step further includes calculating the probability that each decoded symbol is in error with respect to the value of said reference symbol ---.
 - In claim 7, line 14, after "threshold" insert ---
, wherein said determining step further includes calculating the weighted values as probabilities that each decoded symbol is in error with respect to the value of said reference symbol ---.
 - In claim 13, line 16, after "threshold" insert ---
, wherein said determining step further includes calculating the probability that each decoded symbol is in error with respect to the value of said plurality of reference symbols ---.

- In claim 22, line 21, after “threshold” insert ---
, wherein said determining step further includes calculating the probability that each decoded symbol is in error with respect to the value of said plurality of reference symbols ---.
- In claim 31, line 17, after “threshold” insert ---
wherein said sequencing step further includes calculating the weighted probability that each decoded symbol is in error with respect to the value of said reference symbols ---.
- In claim 40, line 10, after “threshold” insert ---
, wherein said controller calculates the weighted probability that each decoded symbol is in error with respect to the value of said reference symbol ---.
- In claim 45, line 16, after “threshold” insert ---
, wherein said controller calculates the weighted probability that each decoded symbol is in error with respect to the value of said reference symbol ---.
- In claim 56, line 21, after “threshold” insert ---
, wherein said controller accesses a look-up table of symbol decoding weighed error probabilities in said memory ---.
- In claim 62, line 18, after “threshold” insert ---
, wherein said controller accesses a look-up table of symbol decoding weighed error probabilities in said memory ---.
- Cancel claims 2, 8, 14, 23, 32, 41, 57, and 63.

Allowable Subject Matter

5. Claims 1, 3-7, 9-13, 15-22, 24-31, 33-40, 42-56, 58-62, and 64-68 are allowed.
6. The following is an examiner's statement of reasons for allowance.
 - The prior art fails to teach an method of Claims 1, 7, 13, 22, 31, 40, 45, 56, and 62 that specifically comprises the following:
 - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,901,180, US 6,134,283, US 6359933, and US 6,744,746. The improvement comprises that wherein said determining step further includes calculating the probability that each decoded symbol is in error with respect to the value of said reference symbol; and wherein said controller accesses a look-up table of symbol decoding weighed error probabilities in said memory as recited.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Ted M Wang

Examiner

Art Unit 2634

Ted M. Wang



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